

REMARKS

Applicants' representative would like to thank Examiner Smalley for the courtesies extended during an interview conducted on October 7, 2010. During the interview, Applicants' representative proposed amending independent Claim 1 to recite that the guarantee includes a substantially constant outer perimeter and, further, that the "area of reduced wall thickness" is disposed on an inner surface of the guarantee and opposes a container. The Examiner agreed that amending independent Claim 1 in the foregoing manner would define over Spatz (CA 2,122,565). In addition, Applicants' representative proposed amending independent Claim 11 to specify that the "flanged region" provides the guarantee with a circumferentially discontinuous outer perimeter. The Examiner agreed that amending independent Claim 11 in this fashion defines over Lunn (U.S. Patent No. 2,069,075) and Kutcher (U.S. Patent No. 3,601,273), as each of the devices of Lunn and Kutcher include a guarantee having a uniform and constant outer perimeter.

With respect to the rejections under 35 U.S.C. § 112, Applicants' representative explained to the Examiner that Claim 18 is directed to the configuration shown in Figure 4. The Examiner suggested submitting a Response identifying Claim 18 as being directed to Figure 4 in a formal Response to overcome the outstanding rejection. With respect to Claim 19, Applicants agreed to amend dependent Claim 19 to specify that the cap extends along a longitudinal axis of the container between the cam and the mouth to clarify Claim 19. Further, Applicants agreed to cancel Claim 20. The Examiner agreed that the foregoing explanation of Claim 18, amendments to Claim 19, and the cancellation of Claim 20 would overcome the outstanding rejections under 35

U.S.C. § 112. While the Examiner agreed that the foregoing amendments to independent Claims 1 and 11 define over the cited art of record, no agreements were reached with respect to patentability. Furthermore, no exhibits were shown or demonstrations conducted.

Claims 1, 2, 5-8, 11-19, and 21-23 are now pending in the application. By this Paper, Claims 1, 11, 13, and 19 have been amended and Claim 20 has been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for the foregoing amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Applicants respectfully submit that the objection to Claim 13 is rendered moot, as Claim 13 has been amended to replace the term "a least" with the term "at least." Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claim 20 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 18-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

These rejections are respectfully traversed.

At the outset, Applicants respectfully submit that these rejections are moot with respect to Claim 20, as Claim 20 has been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

As set forth above, Applicants note that the subject matter of Claim 18 is directed to the configuration shown in Figure 4. Because the Examiner indicated that identifying Claim 18 as being directed to the subject matter of Claim 4 would overcome the outstanding rejection, Applicants respectfully submit that the rejection of Claim 18 is rendered moot.

With respect to Claim 19, Applicants have amended Claim 19, as discussed in the interview, to recite that the cap extends along a longitudinal axis of the container between the cam and the mouth. Because the Examiner agreed during the interview that such an amendment would overcome the outstanding rejection, Applicants respectfully submit that this rejection is rendered moot.

In light of the foregoing, Applicants respectfully submit that Claims 18 and 19 are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2, 5-8, and 11-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Spatz (CA 2,122,565).

Claims 11-12 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lunn (U.S. Pat. No. 2,069,075).

Claims 11-19 and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kutcher (U.S. Pat. No. 3,601,273).

These rejections are respectfully traversed.

At the outset, Applicants respectfully submit that these rejections are moot with respect to Claim 20, as Claim 20 has been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Independent Claim 1 has been amended to recite a capping system including a guarantee having a substantially constant outer perimeter and an area of reduced wall thickness disposed on an inner surface of the guarantee opposing a container. Because the Examiner agreed that amending independent Claim 1 in the foregoing manner defines over the cited art of record, Applicants respectfully submit that independent Claim 1 is in condition for allowance.

Applicants have amended independent Claim 11 to recite a capping system for a container including a cap having a flanged region that provides a guarantee with a circumferentially discontinuous outer perimeter. Because the Examiner indicated that amending independent Claim 11 in the foregoing manner defines over the cited art of

record, Applicants respectfully submit that independent Claim 11 is in condition for allowance.

In light of the foregoing, Applicants respectfully submit that independent Claims 1 and 11, as well as Claims 2, 5-8, 12-19, and 21-23, respectively dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 8, 2010

By: /Matthew H. Szalach/
Stephen T. Olson, Reg. 36,626
Matthew H. Szalach, Reg. 53,665
Attorneys for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

STO:MHS:ca